

**FILED**  
**BOARD OF**  
**REAL ESTATE APPRAISERS**

**DR. JAMES S. HSU**  
**Executive Director**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF REAL ESTATE APPRAISERS

ORIGINAL

IN THE MATTER OF THE  
SUSPENSION OR REVOCATION OF  
THE LICENSE OR CERTIFICATION  
OF

**MATTHEW J. SPILLANE, JR.**  
**RA 355400**

TO PRACTICE AS A REAL ESTATE  
APPRAISER IN THE STATE  
OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE

**FILED**  
**BOARD OF**  
**REAL ESTATE APPRAISERS**

*James S. Hsu 9/12/06*  
**DR. JAMES S. HSU**  
**Executive Director**

This matter was opened to the New Jersey State Board of Real Estate

Appraisers ( "the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a real estate appraiser in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On March 10, 2006, pursuant to N.J.S.A. 45:1-18, the Board initiated a random audit of a group of its licensees, asking them to submit proof with regard to the satisfaction of continuing education requirements for the 2004-2005 renewal period, i.e., twenty eight (28) approved credit hours; or for those licensed or certified in the first

six months of 2005, fourteen (14) credit hours.

3. Respondent was among those licensees asked to submit proof of satisfaction of continuing education requirements.

4. A letter dated March 10, 2006 was issued to respondent, asking for proof of satisfaction of continuing education requirements. The letter was sent by regular mail to respondent's address of record at 239 Split Rail Court, Riverside, NJ.. No response was received. The mailing was not returned.

5. A second communication dated April 20, 2006 was sent to respondent at his address of record by certified mail. Certified mail was returned unclaimed. No response has been received to date.

#### CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation pursuant to N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 29, 2006, suspending respondent's license until he replied to the Board's previous request for information, and imposing a civil penalty in the amount of \$1,0000.00 for respondent's violation of N.J.A.C. 13:45C-1.2, -1.3. A copy of the Order was forward to respondent by certified and regular mail at his address of record at 239 Split Rail Court, Riverside, NJ 08075-1524 on July 17, 2006. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for

modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the certified mail was returned unclaimed, regular mail was not returned. Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 12<sup>th</sup> day of Sept., 2006,

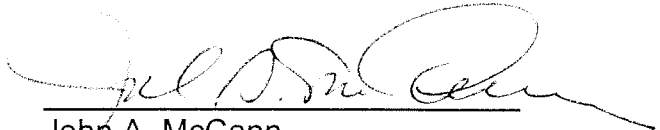
ORDERED that:

1. Respondent is hereby suspended until he has furnished a response to the Board's request for information with regard to the continuing education obligation.
2. A civil penalty in the amount of \$1000 is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(e). Respondent shall forward payment within twenty one (21) days in the form of a certified check, money order or attorney trust account check made payable to the State of New Jersey, which shall be sent to the attention of Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, Newark, NJ 07101.
3. Any disciplinary action taken with respect to the within Order shall be considered to apply only to the issue of respondent's failure to cooperate with the Board, and is separate and apart from the issue of whether respondent has complied

with his continuing education obligation.

4. Respondent's failure to forward timely payment with regard to this Order may result in the filing of a certificate of debt.

NEW JERSEY STATE BOARD  
OF REAL ESTATE APPRAISERS

A handwritten signature in black ink, appearing to read 'John A. McCann', is written over a horizontal line.

John A. McCann  
President